

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/220,223	12/23/98	KOBAYASHI	T 20389/81866

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IM22/0130

EXAMINER	
COLE, E	
ART UNIT	PAPER NUMBER
1771	18

DATE MAILED: 01/30/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. 09/220,223	Applicant(s) Kobayashi et al
Examiner Elizabeth M. Cole	Group Art Unit 1771

Responsive to communication(s) filed on Oct 20, 2000

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1-3 and 6-8 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-3 and 6-8 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al, U.S. Patent No. 4,100,324. Anderson discloses a nonwoven fabric comprising meltblown microfibers, and a pulp material. The microfibers have a diameter of 2-6 microns and have a length of about the same as or greater than a staple fiber, which seems to encompass the claimed range. (Staple fibers are generally known to have a length of anywhere from 25- 180mm). See col. 2, lines 46-54. The pulp material may have a length of 0.5 -10 mm. See col. 2, lines 55-62. The pulp fibers and microfibers may be present in the claimed proportions. The nonwoven may have a basis weight within the claimed range. See example IX. The nonwoven is useful as an absorbent wipe. The nonwoven may be embossed, which would form protuberances that project from the surface of the sheet.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al, U.S. Patent No. 4,100,324. Anderson et al discloses a nonwoven fabric as set forth above. Anderson et al differs from the claimed invention because Anderson does not teach the claimed height or shapes of the protuberances. However, Anderson et al does teach that the embossing pattern may be selected to provide the desired characteristics in the final product. See col. 6, lines 58-61. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected the pattern of embossing which resulted in the desired characteristics such as strength, absorbency and hand in the final product through the process of routine experimentation.

5. Applicant's arguments filed 10/30/00 have been fully considered but they are not persuasive. Applicant argues that the protuberances of the claimed invention are different from those of Anderson because the pattern of Anderson is formed by embossing. This argument is not persuasive because the claimed invention also forms the protuberances by embossing.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (703) 308-0037. The examiner may be reached between 6:30 AM and 5:00 PM Monday through Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (703) 308-2414.

Inquiries of a general nature may be directed to the Group Receptionist whose telephone number is (703) 308-0661.

The fax number for official faxes is (703) 872-9310. The fax number for official after final faxes is (703) 872-9311. The fax number for unofficial faxes is (703) 305-5436.

*Elizabeth M. Cole*  
Elizabeth M. Cole  
Primary Examiner  
Art Unit 1771

e.m.c  
January 22, 2001